



# TOWN OF BROOKLINE

## *Massachusetts*

### BOARD OF APPEALS

DIANE R. GORDON, Co-Chair

HARRY MILLER, Co-Chair

BAILEY S. SILBERT

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Brookline, MA 02445

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PATRICK J. WARD, Secretary

### **TOWN OF BROOKLINE**

### **BOARD OF APPEALS**

**CASE NO. BOA 070006**

Petitioner Nur Kilic applied for a one year time extension of BOA Case No. 030051, to construct a second story addition above an existing one story commercial building. On February 8, 2007 the Board met and determined that the properties affected were those shown on a schedule in accordance with the certification prepared by the Assessors of the Town of Brookline and approved by the Board of Appeals, and fixed March 1, 2007 at 7:15 p.m., as the time and place of a hearing on the requested extension in the Selectmen's hearing room on the sixth floor of Town Hall. Notice of the scheduled hearing was mailed to the Petitioner, to her attorney, to the owners of the properties deemed by the Board to be affected as they appeared on the most recent tax list, to the Planning Board and to all others required by law. Notice of the scheduled hearing was published. Notice of the hearing was published on September 8<sup>th</sup> and September 15<sup>th</sup>, 2005 in the Brookline Tab, a newspaper published in Brookline. Copy of said notice as follows:

### LEGAL NOTICE

TOWN OF BROOKLINE

MASSACHUSETTS

BOARD OF APPEAL  
NOTICE OF HEARING

PETITIONER: Nur Kilic

LOCATION OF PREMISES: 5 Harvard Square

DATE AND PLACE OF HEARING

Thursday March 1<sup>st</sup>, 2007

At 7:15 p.m. in the Selectman's Hearing Room on the sixth floor of Town  
Hall 333 Washington Street Brookline, Massachusetts.

A public hearing will be held for a modification of Board of Appeals Case No.  
030051, dated March 12, 2004

of the Zoning By-Law to extend time period one year

At 5 Harvard Square

Said premises is located in an G 2.0 District

The Town of Brookline does not discriminate on the basis of disability in  
admission to, or access to, or operations of its programs, services or activities.

Individuals who need auxiliary aids for effective communication in programs and  
services of the Town of Brookline are invited to make their needs known to the  
ADA Co-ordinator, Stephen Bressler, Town of Brookline, 11 Pierce Street,  
Brookline, MA 02445. Telephone (617) 730-2330; TDD (617) 730-2327.

Diane R. Gordon

Harry Miller

Bailey Silbert



At the time and place specified in the notice a public hearing was held by this Board. Present were Diane Gordon, Bailey Silbert and Enid Star. Petitioner was represented by Jacob Walters of Goldenberg & Walters. Mr. Walters stated that the reason the petitioner was seeking an extension of time was due to the appeal to the Norfolk Superior Court taken by an abutter. Mr. Walters explained that the costs of the appeal and the length of time required to resolve the same has had an effect upon the petitioner's financing and timing of the construction. Petitioner is now obliged to begin the financing process again, and lost her ideal window of time during which to construct the proposed addition. Mr. Walters reminded the Board that the construction plan calls for the business - Serenade Chocolatier - to close for a period of 2 to 3 months. The petitioner does not want to close the business during the spring or early summer and thus the need for additional time. Mr. Walters concluded by stating that this Board could grant the requested relief pursuant to Section 9.07 of the Zoning By-Law. The Chair then asked if any members of the public wished to be heard, first in support of the proposed extension and then in opposition. No one requested to be heard. The Chair then called upon Polly Selkoe to give the Planning Board report. Ms. Selkoe stated that the Planning Board had no objection to the time extension for construction of a one story addition over the existing Serenade Chocolatier commercial space. Ms. Selkoe did request that a small addition be made in the original conditions recommended by the Planning Board and approved by the Board of Appeals, namely that condition #3 be amended to include the requirement that the applicant submit final plans showing elevations, which had inadvertently been omitted from the original decision. The Chair then called upon Frank Hitchcock of the Brookline Building Department. Mr. Hitchcock stated that the Building Department had no objection to the proposed time extension.

The Board, then deliberated on the applicants request, and after consideration of the testimony before it voted unanimously to grant the requested time extension pursuant to Section 9.07 of the By-Law, subject to the following conditions:

1. Final materials, facade details and colors shall be reviewed and approved by the Director of Planning and Community Development. Of particular importance are the following:

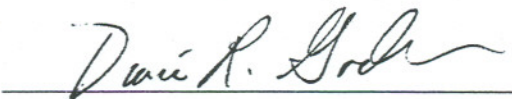
- a. Brick color and style
- b. Mortar color
- c. Window details
- d. Door details
- e. Awnings, if they are to be replaced, or design or transform panels
- f. Rooftop treatment, including vents or structures,

1A. The Director of Planning and Community Development will consult with interested abutters on a construction management plan and the Planning Director shall submit comments to the Building Commissioner and Director of Transportation.

2. A construction management plan shall be reviewed and approved by the Building Commissioner and the Director of Transportation and Engineering prior to issuance of any building permits. The intent of this review shall be focused on minimizing noise, dust and general disturbance to abutters, particularly minimizing trespass on surrounding properties and creation of an appropriate staging zone. Minimizing negative effects on the traffic flow in Brookline Village at peak commuting times shall also be considered and mitigated.

3. Prior to obtaining a building permit the applicants shall submit to the Director of Planning and Community Development for review and approval for conformance to the Board Appeals decision, building elevations stamped and signed by a registered architect.

Unanimous decision of  
the Board of Appeals

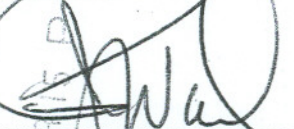


Diane Gordon, Chair

Date of Filing: March 15, 2007

RECEIVED  
TOWN OF BROOKLINE  
TOWN CLERK  
2007 MAR 15

A True Copy:  
ATTEST:

  
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Patrick J. Ward  
Board of Appeals